

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff,

Plaintiff,

Adv. Pro. No. 12-01680 (CGM)

v.

INTESA SANPAOLO SPA (AS SUCCESSOR
IN INTEREST TO BANCA INTESA SPA),
EURIZON CAPITAL SGR SPA (AS
SUCCESSOR IN INTEREST TO EURIZON
INVESTIMENTI SGR SPA, F/K/A NEXTRA
INVESTMENT MANAGEMENT SGR SPA,
AND EURIZON ALTERNATIVE
INVESTMENTS SGR SPA, FKA NEXTRA
ALTERNATIVE INVESTMENTS SGR SPA),
EURIZON LOW VOLATILITY F/K/A
NEXTRA LOW VOLATILITY, EURIZON
LOW VOLATILITY II F/K/A NEXTRA LOW
VOLATILITY II, EURIZON LOW
VOLATILITY PB F/K/A NEXTRA LOW
VOLATILITY PB, EURIZON MEDIUM
VOLATILITY F/K/A NEXTRA MEDIUM
VOLATILITY, EURIZON MEDIUM
VOLATILITY II F/K/A NEXTRA MEDIUM

VOLATILITY II, EURIZON TOTAL RETURN
F/K/A NEXTRA TOTAL RETURN,

Defendants.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Andrew Ditchfield of Davis Polk & Wardwell LLP hereby appears in the above-captioned action pursuant to Rule 9010(b) of the Federal Rules of Bankruptcy Procedure as counsel to the Eurizon Defendants.¹

The Eurizon Defendants submit this Notice of Appearance with a full reservation of their rights and defenses, and this Notice of Appearance shall not be deemed to be a waiver of any such rights or defenses.

Dated: April 15, 2022
New York, New York

DAVIS POLK & WARDWELL LLP

By: /s/ Andrew Ditchfield

Andrew Ditchfield
450 Lexington Avenue
New York, New York 10017
Tel: (212) 450-4000
Fax: (212) 701-5800
andrew.ditchfield@davispolk.com

Attorneys for the Eurizon Defendants

¹ The Complaint, ECF No. 1, was filed on May 31, 2012. It was amended by stipulation and order entered on March 29, 2022, ECF No. 93, to: (i) dismiss Count Two; and (ii) dismiss various defendants from the proceeding. Accordingly, the only remaining defendants are Eurizon Capital SGR SpA (“Eurizon Capital”), Eurizon Low Volatility (“Low Volatility”), and Eurizon Medium Volatility (“Medium Volatility”) (the “Eurizon Funds”) (together with Eurizon Capital, the “Eurizon Defendants”). The Complaint characterizes the Eurizon Funds—the entities that are alleged to have received the subsequent transfers at issue in this action—as “fondo commune investimento,” Compl. ¶¶ 25, 28, which is not a legal entity under Italian law. The assets of these funds were managed and promoted by the asset manager, Eurizon Capital. Moreover, on August 1, 2013, the assets of Medium Volatility were merged into Low Volatility, which is the only fund that exists today and is managed by and acts through Eurizon Capital.